

IN The District Court Of The United States  
For The middle District of ALABAMA  
Northern Division

LOUIS EARL MILES JR.  
PLAINTIFF

VS.

CASE NO# 2:07-CV-950

OFFICER W. B. DICKEY, OFFICER  
M. McCORD ET. AL.

DEFENDANT'S

PLAINTIFF Responding To The  
SPECIAL Report Filed

By Defendant's

PURSUANT TO RULE 56. F.R.CIV.P

Come's now the PLAINTIFF, LOUIS EARL MILES JR.  
By AND Through pro-SE AND, IN ACCORDANCE WITH THIS  
COURT ORDER OF December 10, 2007, File This Response  
To The Defendant's written Report.

DEFENDANT'S Response, written Report, AND ANSWER

ON December 7, 2007 Defendant's Filed A  
Response, written Report, AND ANSWER To PLAINTIFF  
Complaint. AND Denie All 3 Ground of PLAINTIFF

Complaint and Demand STRICT proof For The CONSTITUTIONAL Right THAT WAS VIOLATED FALSE Arrest/Imprisonment, Excessive Force, AND INadequate medical care. ALSO Defendant's RAised 8 AFFIRMATIVE Defense which PLAINTIFF ARE OBJECTING TO THEM ALL AND STATE ALL 3 OF HIS CLAIMED OF ACTION IS WITH MERIT AND STATE CLEAR CAUSE OF PROOF THAT FULL Relief Should Be GRANTED

PLAINTIFF WRITTEN Response To The  
DEFENDANT'S WRITTEN Report, Response,  
AND ANSWER.

### FACT'S

(EXHIBIT(1.) clearly show The Time AND DATE)

ON September 10, 2007 AT 1:26 AM I The PLAINTIFF WAS coming OUT OF THE EXIT OF THE BUSINESS OF 3996 Birmingham Hwy. AS I EXIT THE REAR DOOR, OFFICER W.B Dickey WAS STANDING 15 FEET OR SO TOO THE LEFT FROM THE REAR DOOR BEHIND SOME CRATE'S, HIS DOG IN ONE HAND AND HIS PISTOL IN THE OTHER HAND. OFFICER W.B Dickey give me A COMMAND AND I DROPE THE BOXE'S AND OBEY HIS ORDER IMMEDIATELY (EXHIBIT(2.) clearly show I DIDN'T RESIST ARREST, WASN'T ARMED, AND I WAS SOBER.) THEREFORE, I LAYED FACE DOWN AND BAGGED OFFICER W.B Dickey TO PLEASE HOLD HIS DOG. SO AS I LAYED THERE LOOKING AT OFFICER W.B Dickey, . . . . .

OFFICER Dickey letted The Dog go. So The Dog came STRAIGHT To me AND STARTED BITEing me All over my LEFT ARM AND BITE me one TIME ON my RIGHT WRIST. (EXHIBIT(3.) CLEARLY show proof I give A VOLUNTARY STATEMENT Telling How The officer DELIBERATE PUT HIS DOG ON me while I WAS ON The ground.) ALSO (EXHIBIT(13.) my LEFT ARM AS physical EVIDENCE) will clearly show proof THAT ALL The BITE'S came From A 'LAY DOWN' POSITION' BECAUSE IT'S TOO many BITE'S ON The SAME ARM To ARGUE The FACT.

SO OFFICER W.B Dickey Allow The Dog To CONTINUE To BITE me UNTIL He Heard A Radio From ANOTHER officer, which was officer J.D. EZELL #1186 UNIT 150, Therefore officer J.D EZELL walked over To me AND grabbed my ARM'S AND HANDCUFFED me WITH my HAND BEHIND my BACK, WITH NO REGARD To my INJURE. (EXHIBIT(4.) The INCIDENT \ OFFENSE Report From officer J.D EZELL) will clearly show He HANDCUFFED me IMMEDIATELY AFTER I WAS BITEN OVER 40 TIME AND BLEEDING HEAVILY.

Thereafter I LAY ON The ground From 1:28 AM To 1:58 AM THAT'S 26 minute's BLEEDING HEAVILY AND HURTING HANDCUFFED WITH my HAND BEHIND my BACK. SO OFFICER J.D. EZELL FINALLY GOT me OFF The ground AND WALKED me To The FRONT OF The BUSINESS. (where OTHER'S OFFICER WAS JUST ARRIVING. They looked AT my LEFT ARM AND ASKED HAVE A EMERGENCY.

medical been call and officer J.D. Ezell SAY NO. SO A UNKNOWN OFFICER CALL THE EMERGENCY MEDICAL AT 1:54 AM AND STARTED TAKING PICTURE OF MY LEFT ARM (EXHIBIT(5.) THE EMERGENCY MEDICAL RUN REPORT) CLEARLY SHOW MEDICS WAS'NT CALL TIL 1:54 AM, SO THE MEDICS UNIT 91 ARRIVED AT 2:05 AM, AND TOLD OFFICER J.D. EZELL TO PLEASE TAKE THE CUFF OFF ME FOR HE COULD TREAT ME. THEREFORE I WAS TREATED BY THE MEDIC AND THE MEDIC TOLD THE OFFICER'S I NEED TO GO TO A HOSPITAL FOR STITCHES. SO MY HAND WAS HAND-CUFFED BEHIND MY BACK IMMEDIATELY AFTER THE MEDIC BANDAGE AND TRIED TO CONTROL THE BLEEDING. SO MY WOUND'S STARTED BACK TO BLEEDING AND I WAS PUT IN SEVER PAIN.

(MEDICS UNIT 91 NAME UNKNOWN AT THIS MOMENT WILL BE SUBPONED TO WITNESS FOR PLAINTIFF)

AT 2:30 AM I WAS TRANSPORTED TO THE HOSPITAL BY TWO BLACK OFFICER THAT IS UNKNOWN AT THIS MOMENT BUT WILL BE SUBPONED. THEREFORE SUBMITTING THIS ON RECORD FOR FURTHER AND FUTURE EVIDENCE TO SHOW CLEAR PROOF THAT THIS WAS A ACT OF EVIL INTENTION. SO I ARRIVED AT THE HOSPITAL AT 2:49 AM AND WAS SEEN BY A NURSE AND DOCTOR STEVE AVEZZANO, WHICH I WAS GIVE A TETANUS SHOT AND I RECEIVED 8 STITCHES IN MY LEFT ARM BICEP AND 3 STITCHES IN MY LEFT FOREARM, - - -



Immediately After The Doctor Belief me To  
Officer J.D. Ezell and Told him to pick-up  
The Discharge Instruction sheet and my  
prescription, Because I needed special care  
for my injury. SO I WAS HANDCUFFED AT 3:10AM  
with my HAND BEHIND my BACK Immediately  
AFTER JUST GETTING STITCHES in my upper AND  
Lower ARM which CAUSE "Sever PAIN". SO OFFICER  
J.D. Ezell AND I WALKED TO THE Discharge Desk  
AND The clerk give OFFICER J.D. Ezell The  
Discharge INSTRUCTION sheet AND The prescription  
AT 3:26<sup>AM</sup> (EXHIBIT (6.) (9.) clearly show proof  
The Discharge INSTRUCTION sheet AND The prescrip-  
tion THAT WAS NEVER FILLED.) OFFICER J.D. Ezell  
TRANSPORTED me TO THE City Detective Division AT  
3:36<sup>AM</sup> where Detective M. McCord EXCHANGE  
HANDCUFFS with OFFICER J.D. Ezell. SO Detective  
M. McCord HANDCUFFED me with my HAND BEHIND  
my BACK AND place me IN A SMALL Filthy Holding  
cell with NOTHING BUT A HOLE IN THE FLOOR. NO  
REGARD TO THE clear proof FROM THE Doctor I needed  
special care AND medication. SO I LAYED ON  
THE Filthy Floor with my HAND CUFFED BEHIND my  
BACK FROM 3:36<sup>AM</sup> TIL 7:08<sup>AM</sup> THAT'S WAS 3 HOURS  
AND 32 minutes deliberate TORTURE IT CAN BE SAID  
THAT my medical care WAS "SO grossly INCOM-  
PETENT, INADEQUATE, OR EXCESSIVE AS TO SHOCK THE

CONSCIOUS OR TO BE INTOLERABLE TO FUNDAMENTAL FAIRNESS.

SO I WAS FINALLY BOOKED IN THE CITY JAIL AT 7:08 AM, THEREFORE THE DEFENDANT'S GIVE A FALSE STATEMENT IN THEIR WRITTEN REPORT, "BY SAYING (I WAS SEEN BY A DOCTOR IMMEDIATELY BEFORE BEING TAKEN TO JAIL) (EXHIBIT(6.) SHOW CLEAR PROOF I LEFT THE HOSPITAL AT 3:26 AM) ALSO (EXHIBIT (7.) (8.) THE BOOKING RECORD FROM THE CITY JAIL) SHOW CLEAR PROOF THAT I WAS BOOKED IN THE CITY JAIL 7:08. SO MY LEFT ARM HAD SWOLLEN DOUBLER AND I WAS IN SEVERE PAIN. SO THE INTAKE OFFICER MARSHALL ASKED DETECTIVE M. MCCORD WAS THERE ANY DISCHARGE INSTRUCTION SHEET OR PRESCRIPTION THAT NEED TO BE FILLED, SO DETECTIVE M. MCCORD ANSWER NO. SO I SUFFER WITH NO PAIN MEDICINE, AND NO ANTIHISTIC (EXHIBIT(9.) COPY OF TWO PRESCRIPTION THAT WASNT NEVER FILLED.)

AT 10:35 AM 9-10-07 THE SAME DAY DETECTIVE M. MCCORD CAME TO THE JAIL AND SIGNED ME OUT THE JAIL AND TOOK ME TO THE DETECTIVE DIVISION FOR A STATEMENT. (EXHIBIT(10.) CLEARLY SHOW PROOF THE MIRANDA RIGHT I SIGNED CONCERNING A BURGLARY 3<sup>RD</sup> AND IT'S SHOWS THE TIME WAS 10:35 AM 9-10-07. SO DEFENDANT'S MADE A FALSE STATEMENT AGAIN BY SAYING I JUST HAD SEEN A DOCTOR BEFORE GOING TO JAIL. SO I DONT.-----

(6)

Understand why The Defendant's would keep making False Statement Under Oath, Due to There's Clear proof of Them ACTING with deliberate Indifference To my serious medical Needs. (EXHIBIT(3.) show clear proof of The VOLUNTARY STATEMENT I give CONCERNING The INTENTIONALLY DOG ATTACK THAT CAUSED me MENTAL AND PHYSICAL STRESS. Look AT Number 18, 19, 20, 21, 22, 23, 30, 31, 32, 33, 34, 35, 36, 37

So The Voluntary statement Ended AT 10:45AM which "I STATED" I STILL DONT HAVE my prescription yet AND "I STATED" I JUST Need some medical Treatment THAT ALL. Because my LEFT ARM WAS Redness, Swollen, HURTING SERVED. BECAUSE IT HAD BEEN "6 Hour" AND "19 minute" SINCE I LEFT The Hospital. SO Detective M. McCord Took me BACK To The CITY JAIL AND charged me with Burglary 3<sup>rd</sup> AND Theft 1<sup>st</sup>. BUT ONLY Read my MIRANDA Right CONCERNING A Burglary 3<sup>rd</sup>. SO I WAS misled By Detective M. McCord To Think I ONLY HAD A Burglary 3<sup>rd</sup> charge. Because I DIDNT get AWAY with NOTHING AND NOTHING LEFT The property. SO THAT'S why I AM Being Held ON A FALSE arrest. A person must Be Read Their MIRANDA Right ON ALL charges (EXHIBIT(3.) Voluntary Statement



question 24, 25, 26 will clearly show proof  
There shouldn't be no theft 1<sup>st</sup> charge that  
shouldn't constitute a \$30,000.00 Thousand  
Dollar Bond.

When Detective M. McCord Return me Back  
To The City Jail At 10:45 AM 9-10-07. I  
Suffer with NO medication the Intire Day  
of the 10<sup>th</sup> AND FINALLY seen A Doctor ON  
9-11-07 AT 11:30 AM. SO I Suffer WITHOUT NO  
PAIN medicine or ANTIBIOTIC For 31 Hour, I  
Went To CITY COURT AND The Judge Release  
me, SO I WAS TRANSFERRED To The COUNTY JAIL  
AT 8:43 PM 9-11-07 (EXHIBIT 01.) will show  
The Release Date From The City Jail SO THAT  
MEAN I STAY AT The City Detective Division  
AND CITY JAIL A TOTAL OF 41 Hour 7 minute  
EXHIBIT 02. will clearly show The City Jail  
Nurse's Note's of care' which you'll see  
I WAS given medicine one time in 41  
Hour And 7 minute.

Respectfully submitted This  
The 30<sup>th</sup> day of December, 2007.

x Louis E. Miller, Jr.  
PLAINTIFF



IN The District court of The United States  
For The middle District OF ALABAMA  
Northern Division

LOUIS EARL miles JR.  
PLAINTIFF

VS.

OFFICER W.B. Dickey, OFFICER  
M. MCCORD ET AL.  
DEFENDANT'S

CASE NO # 2:07-CV-950

PLAINTIFF ANSWER

Come now The plaintiff, LOUIS EARL miles JR.  
By and through pro-se And, In accordance with  
This COURT order of December 10, 2007. File This  
ANSWER To The Defendant's written Report.  
For A Good And JUST CAUSE.

Ground ONE  
EXCESSIVE FORCE CLAIM

Defendant's Denie The material Allegation's  
CONTAINED IN Ground one OF plaintiff complaint

AND Demanding STRICT PROOF Thereof.

I The PLAINTIFF HAS STRICT PROOF AND will clearly show PROOF THAT Defendant's committed The TORT OF ASSAULT AND BATTERY which Violated my Fourth Amendment AND Eighth Amendment Due To my medical CASE ALSO.

Tennessee V. Garner, 471 U.S. 1, 8 (1985) STATES The proper APPLICATION OF The "Objective Reasonableness" Test Requires "Careful Attention To The FACTS AND CIRCUMSTANCES OF EACH PARTICULAR CASE To prove A EXCESSIVE Force CLAIM.

(1.) "The Severity Of The Crime At Issue"

Officer W.B. Dickey was dispatched To A Business ALARM which TURN OUT To Be A BURGLARY in progress which is A CLASS "C" FALONY. Officer W.B. Dickey ALSO WAS Able To DetermineD IT WAS A BURGLARY BECAUSE He WAS Able To VISUALIZE The property IN The Jeep AND OFFICER W.B. Dickey VISUALIZED The PLAINTIFF AS He CAME OUT OF The BUSINESS with 2 white Boxes. one IN each HAND. SO There WAS NO SIGN OF A THREAT To The OFFICER or other. (EXHIBIT (1)) show clear PROOF OF Officer W.B. Dickey STATE He Seen me coming OUT with The Boxes)

(2.) whether The SUSPECT poses ANY - - - - -

Immediate Threat To The Safety Of The  
Officer or Others

(EXHIBIT (2) (2) (3) will clearly show AND  
STATE there was NO SIGN OF A THREAT TO THE  
OFFICER or OTHER.)

EXHIBIT (7.) clearly show AND STATES OFFICER  
W.B. Dickey seen PLAINTIFF WALKING OUT THE  
REAR DOOR WITH 2 WHITE BOXES NOT A WEAPON

EXHIBIT (2.) clearly show proof PLAINTIFF WASN'T ARMED,  
DIDNT RESIST ARREST, AND WAS SOBER AT THE TIME  
OF ARREST.

EXHIBIT (3.) clearly show proof ANSWER 31 THUT 34  
SHOW PLAINTIFF WAS THE VICTIM IN THIS CASE.

(3.) Whether PLAINTIFF ACTIVELY RESISTING  
ARREST OR ATTEMPTING TO EVADE ARREST BY FLIGHT.

EXHIBIT (2) (3) will clearly show proof AND STATE  
PLAINTIFF DIDNT RESIST or TRY TO FLEE

EXHIBIT (3.) will clearly show proof PLAINTIFF  
GIVE A TRUE AND SWORN STATEMENT THAT HE  
OBEY THE OFFICER COMMAND AND IMMEDIATELY  
LAYED FACE DOWN. ANSWER 31 THUT 34 -----

CONTINUE

PLAINTIFF ORIGINAL COMPLAINT ALSO STATES  
HE POSED NO THREAT TO THE OFFICER. AND THERE  
WASNT NO WEAPON FOUND ON THE PLAINTIFF.

ALSO PLAINTIFF CRIMINAL HISTORY FROM YEAR  
83 TIL 2007 DONT SHOW NO HISTORY OF A RESIST  
ARREST OR FLEEING FROM THE LAW.

(OFFICER J. D. EZELL WILL BE SUBPOENA TO TESTIFY  
THE WHERE ABOUT OF PLAINTIFF BOBY AND THE  
WHERE ABOUT OF OFFICER W. B. DICKEY BOBY.)

(JEFFERY KING WILL BE SUBPOENA TO TESTIFY THE  
WHERE ABOUT OF THE CRATES THAT OFFICER W. B.  
DICKEY STOOD BEHIND.)

Hendon, 163 F. Supp. 2d AT 1322.

THE ELEVENTH CIRCUIT HAS PROVIDED FURTHER  
GUIDANCE. WHEN DETERMINING WHETHER AN OFFICER  
USE OF FORCE WAS OBJECTIVELY REASONABLE, THE  
COURT SHOULD CONSIDER.

(1.) THE NEED FOR THE APPLICATION OF FORCE.

PLAINTIFF STATE'S THERE WAS NO NEED FOR ANY  
KIND OF FORCE, DUE TO PLAINTIFF COMPLIED WITH  
OFFICER W. B. DICKEY COMMAND AN LAYED FACE  
DOWN IMMEDIATELY, BECAUSE OFFICER DICKEY HAD  
A PISTOL IN ONE HAND AND A DOG IN THE OTHER  
HAND.

(EXHIBIT (2.) CLEARLY SHOW AND STATE THERE WAS  
(4.)



NO WEAPON AND PLAINTIFF DIDNT RESIST ARREST.

(EXHIBIT 3.) clearly show and state the plaintiff obey officer W.B. Dickey command and layed face down and officer W.B. Dickey since the dog on me with a ill-will intention to cause me harm.

(2.) The Relationship Between The Need And The Amount Of Force Used.

plaintiff state there shouldnt been no use of force, because he comply with the officer and plaintiff also states the amount of force that was use is so grossly incompetent that it will shock the conscious of a lay person. Because plaintiff was bitten over 40 time all over his left arm while officer W.B. Dickey watched the violation.

EXHIBIT (5.) show clear proof that the Emergency medics run report show the medics stated plaintiff needed to be transferred to the hospital and will need stitches.

EXHIBIT (6.) clearly show proof from the Jackson Hospital Discharge Instructions sheet state's there are multiple laceration's following area's Left upper arm, Biceps, Volar Aspect of Left Forearm, Volar Aspect of Left wrist suture's To these wound's should be removed in 10 days

(5.)

TOTAL STITCHES IS 8 IN THE LEFT BICEPS, 2 IN LEFT FOREARM, 1 IN LEFT FOREARM AND MULTIPLE LACERATION'S LEFT TO DRAIN.

EXHIBIT (2.) CLEARLY SHOW PROOF FROM THE NURSE'S NOTE'S AT THE CITY JAIL STATE'S (INMATE RECEIVED ANIMAL BITE'S FROM K-9 TO LEFT POSITION ARM AND LOWER FOREMAN STITCHES TO UPPER AND LOWER ARM AND SEVERAL OPENED BITE'S REDNESS AND SWOLLEN.

PLAINTIFF STATE OFFICER W.B Dickey USED TO MUCH FORCE, BECAUSE HE HELD A PISTOL ON PLAINTIFF AND ORDER HIM TO LAY FACE DOWN AND THEN DELIBERATE COMMANDED THE DOG TO ATTACK HIM, SO I WAS BITEN OVER 40 TIME ON MY LEFT ARM. (ALSO) PLAINTIFF STATED EXCESSIVE FORCE WAS USE WHEN OFFICER J.D EZELL CUFFED MY HANDS BEHIND MY BACK IMMEDIATELY AFTER THE ATTACK. AND THEN ALAID ME TO LAY THERE FROM 1:28 AM TO 1:54 AM BLEEDING HEAVY AND SUFFERING IN SEVER PAIN BEFORE THE MEDICS WAS CALLED AT 1:54 AM.

EXHIBIT (4.) CLEARLY SHOW PROOF THAT J.D EZELL CUFFED ME IMMEDIATELY AFTER THE DOG MVLATED MY LEFT ARM.

EXHIBIT (5.) CLEARLY SHOW PROOF THE EMERGENCY MEDICS WAS'NT CALLED UNTIL 1:54 AM.

(3.) THE EXTENT OF THE INJURY INFLICTED

PLAINTIFF STATE THE EXTENT OF THE INJURY INFLICTED WAS A "CRUEL ACT" OF OFFICER W.B. Dickey which clearly show deliberate indifference, because the injury inflicted was so grossly incompetent that it will shock the conscious of a lay person. AND MY LEFT ARM SHOWN AS physical Evidence will prove all the bites came from a laying down position. SO I WAS BITEN OVER 40 TIMES All over my LEFT ARM. THAT'S SO OBVIOUS I WAS LAYING ON MY STOMACH.

EXHIBIT (4.) (5.) (6.) (12.) clearly show proof the EXTENT OF THE INJURY INFLICTED.

(4.) whether the Force was Applied in good Faith or maliciously and sadistically PLAINTIFF STATED IN HIS ORIGINAL COMPLAINT THAT OFFICER W.B. Dickey use Excessive Force in a ill-will MANNER JUST TO SEE HIS DOG BITE "HIS FIRST VICTIM" THAT THE TRUTH

EXHIBIT (3.) ANSWER 31 THRU 34 will clearly show THAT OFFICER W.B. Dickey ACTED IN BAD FAITH, MALICIOUSLY, ill-will MANNER AND WITH CLEAR INTENTION TO CAUSE ME HARM.

GROUND TWO  
CRUEL & UNUSUAL PUNISHMENT

I THE PLAINTIFF HAS STRICT PROOF AND WILL CLEARLY SHOW PROOF THAT DEFENDANTS COMMITTED CRUEL & UNUSUAL PUNISHMENT WHICH VIOLATED THE FOURTEENTH AMENDMENT AND EIGHTH AMENDMENT. Taylor v. Adams. 221 F.3d 1254. 1257 (11th Cir. 2000):

Adams v. POAG 61 F.3d 1537, 1543 (11th Cir. 1995).

(1.) FIRST, A PLAINTIFF MUST SET FORTH EVIDENCE OF AN OBJECTIVELY SERIOUS MEDICAL NEED.

EXHIBIT (4.) SHOWS CLEAR PROOF THE OBJECTIVE, DUE TO MY SERIOUS MEDICAL NEED WAS DISREGARDED. BECAUSE I WAS HANDCUFFED WITH MY HAND BEHIND MY BACK IMMEDIATELY AFTER THE DOG MUTILATED MY LEFT ARM. THAT ACTION ALONG CAUSED ME TO BLEED HEAVY WITH SEVER PAIN.

EXHIBIT (5.) CLEARLY SHOW PROOF THAT THE EMERGENCY MEDICS WAS'NT CALLED UNTIL 1:54 AM 26 MINUTE'S AFTER THE DOG HAD MUTILATED MY ARM AND I STILL HAD MY HAND CUFFED BEHIND MY BACK UNTIL THE MEDICS ARRIVED AT 2:05 AM. SO THE OFFICER HAD ME CUFFED FOR THE TOTAL OF 37 MINUTE'S TIL THE MEDICS ASK THE OFFICER TO REMOVE THE CUFFS.

(MEDIC UNIT 91 WILL BE SUBPOENA TO WITNESS)  
(THE DISREGARD TO MY SERIOUS MEDICAL NEED)



(Discovery will be Filed To show clear proof  
with the picture that was taken at the scene  
EXHIBIT (6.) clearly show proof 'I Had a serious  
medical need for special care, monitor, and  
medicine'; Because Jackson Hospital provided  
A Discharge Instruction's sheet to tell the  
officer how to care for me. so they knew and  
disregard my medical need. Because when  
I was released at 3:26<sup>AM</sup> in the morning the  
officer cuffed my hand behind my back again.  
Immediately after receiving 11 stitches in my  
left arm.

EXHIBIT (7.) clearly show proof 'that I wasn't  
booked in the city jail til 7:08:39<sup>AM</sup>, so the  
question that defendant's need to answer  
is where was the plaintiff from 3:26<sup>AM</sup> to  
7:08<sup>AM</sup>?

(The Answer Is)

From 3:26<sup>AM</sup> to 7:08<sup>AM</sup> plaintiff was placed  
in a filthy holding cell to sleep on the floor  
at the Detective Division with my hand cuffed  
behind my back, immediately after leaving the  
Hospital + receiving 11 stitches.

(All Disregard To The Doctor Order)

(All Disregard To Plaintiff's serious medical need)

This along show defendant's was conspiring to cause  
plaintiff's deliberate indifference due to his

Serious medical need.

(2.) Second, A PLAINTIFF MUST PROVE THAT THE PRISON OFFICIAL ACTED WITH AN ATTITUDE OF "DELIBERATE INDIFFERENCE" TO THAT SERIOUS MEDICAL NEED.

proving that the officer's AND Detective M. McCord ACTED WITH AN ATTITUDE IS SO OBVIOUS AND RECOGNIZING BECAUSE MY SERIOUS MEDICAL NEED WAS IGNORED, DISREGARDED, DUE TO THIS INJURY WAS EASILY RECOGNIZED THAT A DOCTOR ATTENTION WAS NEEDED.

EXHIBIT (4.) Show clear proof officer's ACTED IN BAD FAITH WITH A ATTITUDE. BECAUSE IMMEDIATELY AFTER THE DOG HAD BITEN ME OVER 40 TIMES ALL OVER MY LEFT ARM. I WAS HANDCUFFED WITH MY HANDS BEHIND MY BACK.

(IT'S WAS OBVIOUS I NEEDED MEDICAL CARE)  
(THE OFFICERS COULDN'T USE LEG'S CUFFS)

EXHIBIT (5.) Clearly show proof officer's ACTED IN BAD FAITH WITH A ATTITUDE, BECAUSE IT WAS OBVIOUS I NEEDED MEDICAL ATTENTION, BUT I WAS HANDCUFFED BEHIND MY BACK AND OFFICER'S HELD ME TO LAY THERE FOR 26 MINUTE BEFORE MEDICS WAS CALLED AND 37 MINUTE IN TOTAL BEFORE MEDICS ARRIVED. IMMEDIATELY AFTER

medics LEFT AT 2:25 AM I WAS HANDCUFFED BEHIND MY BACK AGAIN AND ROAD IN A POLICE CAR WHICH CAUSE HEAVY BLEEDING AND PAIN

EXHIBIT (6.) clearly show proof officer's ACTED IN BAD FAITH WITH A ATTITUDE, BECAUSE IMMEDIATELY AFTER I RECEIVED 11 STITCHES ON MY LOWER AND UPPER LEFT ARM. I WAS HANDCUFFED WITH MY HAND BEHIND MY BACK WHICH CAUSE HEAVY BLEEDING AND PAIN

EXHIBIT (7.) clearly show proof officer AND Detective M. McCord conspired together TO Hold me in A Filthy Holding cell with NO BED OR NOTHING. IMMEDIATELY AFTER I WAS Released From The Hospital with 11 STITCHES IN MY LEFT ARM AND OVER 40 BITES ON THE SAME ARM. ALL DISREGARD TO THE DOCTOR ORDER AND MY SERIOUS MEDICAL NEED. SO I STAYED IN THIS Hole From 3:36 PM To 7:08 PM Before I WAS BOOKED IN Jail.

### Ground THREE

#### INADEQUATE MEDICAL CARE

DEFENDANT'S MADE SEVERAL FALSE STATEMENT IN THEIR WRITTEN REPORT, IN ATTEMPT TO UNDER-

(11)

mind the court.

QUOTING "Farrow v. West, 320 F.3d 1235, 1243 (11th Cir. 2003) STATES IN A RECENT MEDICAL CASE IS EVIDENT THAT IS SO OBVIOUS THAT EVEN A LAY PERSON WOULD EASILY RECOGNIZE THE NECESSITY FOR A DOCTOR'S EXAMINATION.

Plaintiff will clearly show proof with EXHIBIT(4) Immediately after the dog had bitten me over the face and neck area. I WAS HANDCUFFED AT 12:28 AM WITH MY HANDS BEHIND MY BACK.  
(IT WAS SO OBVIOUS I NEEDED MEDICAL CARE)  
(THE OFFICER SUBSEQUENTLY KEYS OFF)

EXHIBIT(5) clearly shows that medical was not called until 12:40 AM. I was handcuffed with my hands behind my back at 12:28 AM. Before the medical was called I was in pain. Therefore I was in pain and in need of medical before medical arrived. The injury was so obvious the medical examined the cuffs before they could be removed. Immediately after the medical left at 2:25 AM I WAS HANDCUFFED AGAIN and transported to Jackson Hospital, SC. IT WAS 1 HOUR AND 2 MINUTES AFTER THE BITE THAT I



ARRIVED AT THE HOSPITAL. (DEFENDANT'S)  
STATED I WAS TREATED IMMEDIATELY AFTER  
MY ARREST, SO THIS IS THE BEST I CAN  
STATEMENT.

EXHIBIT (6.) CLEAR SHOWS THAT I ARRIVED AT  
THE HOSPITAL AT 2:49 PM. DIAGNOSED BY A  
PHYSICIAN AND TREATED WITH THE TOTAL OF  
11 STITCHES IN MY LEFT ARM. "Immediately AFTER"  
I RECEIVED 11 STITCHES ON MY LOWER AND UPPER  
LEFT ARM. I WAS HANDCUFFED WITH MY HAND  
BEHIND MY BACK WHICH CAUSED BLEEDING AND SEVERE  
PAIN. SO ME AND THE OFFICER WALKED AROUND  
TO THE DISCHARGE CLERK WHERE THE OFFICER  
RECEIVED THE DISCHARGE INSTRUCTIONS SHEET  
TO SHOW HOW TO CARE FOR MY INJURY.

(1.) REST AND ELEVATE YOUR INJURED PART ABOVE  
THE LEVEL OF YOUR HEART UNTIL THE SWELLING  
AND PAIN ARE BETTER.

(2.) IF YOU HAVE BEEN PRESCRIBED AN ANTIBIOTIC,  
BE SURE TO TAKE ALL YOUR MEDICINE.

(AUGMENTIN 875/125 PO BID)

(LORTAB 5mg 1002 TABLET PO (04-6 HRS) PAIN)

SO I WAS LOADED INTO A POLICE CADVAN  
TAKEN TO THE CITY DETECTIVE DIVISION AT  
3:36 PM IN THE MORNING WHERE DETECTIVE M.  
McCord DISAPPEARED AND I IGNORED MY MEDICAL

Need. Because Detective M. McCord put me in a filthy Holding cell. With my handcuffed behind my back. There was no bed, no water, no medicine, no care or monitor. So I was left to suffer, until I was booked in the city jail at 7:08 AM. At this time my left arm was swollen, bruised and still showing sign of bleeding. So the intake officer at the city jail asked Detective M. McCord for my prescription. "He replied" I don't have it, so he left and returned at 8:35 AM to read me my Miranda Rights and I give a voluntary statement which ended at 10:45 (so yes) I said I needed medical care because I was in severe pain.

Because I haven't had no medicine since 3:10 AM in the morning and I recall handcuffed all night in a holding cell, sleeping on a filthy floor. "So at 10:45" it's obvious I need medicine and medical care.

Respectfully Submitted This  
The 20<sup>th</sup> day of December 2007.

Freddie E. Wilson Jr.  
[Signature]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE SERVED  
A COPY OF THE FOREGOING DOCUMENTS BY  
CAUSING IT TO BE PLACED IN THE U.S. MAIL.  
POSTAGE PREPAID AND PROPERLY ADDRESSED  
ON THIS 20<sup>th</sup> DAY OF DECEMBER, 2007.  
TO THE FOLLOWING: LEGAL DEPARTMENT,  
MR. WALLACE D. MILLS, 103 NORTH PERRY ST.,  
MONTGOMERY, ALA 36104 AND OFFICE OF  
THE CLERK, UNITED STATE DISTRICT COURT,  
P.O. BOX 711, MONTGOMERY, ALA 36101-0711.

X LUCAS E. MILES  
PLAINTIFF

IN THE UNITED STATES DISTRICT COURT



(1.) I The plaintiff Has Filed A WRITTEN  
Response To The Defendant's Response Of  
December 7, 2007.

(2.) I The plaintiff HAS FILED A ANSWER TO  
THE DEFENDANT'S RESPONSE OF DECEMBER 7, 2007.

(3.) I The plaintiff HAS ATTACHED 16 Legal  
Document's To Support AND SHOW CLEAR  
proof THAT my claim's STATES FULL CAUSE  
OF ACTION which relief should Be GRANTED

(4.) I The plaintiff STATED His claim's is  
with full merit AND A EVIDENTIARY HEARING  
need To Be Schedule.

(5.) I The plaintiff ARE OBJECTING TO ALL  
A AFFIRMATIVE DEFENSE RAISED BY DEFENDANT  
AND SHOWING CLEARLY THAT ALL CLAIM'S OF  
ACTION IS WITH MERIT AND OTHER CLEAR CAUSE  
THAT FULL RELIEF SHOULD BE GRANTED.


Therefore, The Plaintiff Louis CARL miles  
JR. HAS FILED HIS WRITTEN RESPONSE, ANSWER AND  
AFFIDAVIT IN COMPLIANCE WITH THE DIRECTIVES  
OF THE MAGISTRATE COURT ORDER. AND PLAYS  
THIS COURT REVIEWED PLAINTIFF WRITTEN - 12/28/07

Response AND SET A EVIDENTIARY HEARING  
TO ALLOW PARTIES TO SHOW CAUSE FOR A  
GOOD AND JUST CAUSE OF ACTION.

I Declare UNDER PENALTY OF PERJURY  
THAT THIS FOREGOING AFFIDAVIT IS TRUE  
AND SWORN TO THE BEST OF MY  
KNOWLEDGE AND EXECUTED ON 20th  
DAY OF December, 2007.

x Louis Earl miles Jr.  
PLAINTIFF

## Memorandum

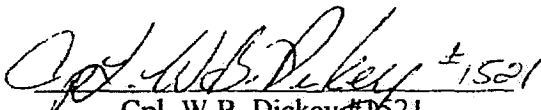
To: Lieutenant E.L. Johnson # 367 

From: Corporal W.B. Dickey # 1521

Date: September 10, 2007

Subject: Arrest of B/M Louis Miles for Burglary 3rd

On September 10, 2007 at 0126 hours this Unit #149 (Cpl. Dickey/Zak) was dispatched to 3996 Birmingham Highway, Main Line Supply Company, in reference to a business alarm with front beam and back door as the indication. Upon arrival, I observed that the sliding gate leading to the rear of the property was partially opened and the pad lock had been cut in half. While standing on the east side of the building waiting for back up to arrive, I heard several noises coming from inside the business. I then made my way to the back of the business and observed a teal colored Jeep Cherokee, tag 3B1142N, near the rear door with its back tailgate hatch open and the back door to the business open. Once I made it to the Jeep I observed several boxes of brass fittings inside, I also could see a silhouette of a subject inside the business reflecting off the light from a coke machine as they moved. While standing beside the Jeep I could see the subject start walking towards the door with an unknown object in his hands. I then positioned myself behind several crates outside to the left of the door. The black male subject, wearing a black button up shirt and blue jeans, then exited out of the business with two white boxes of brass fittings. I then started to give my standard K-9 warnings three times at which time the subject dropped the property and tried to flee back inside the business. It was at this time my K-9 partner Zak was released due to the subject refusing to comply with the warnings. K-9 Zak engaged the subject on his left arm before he was able to make it back inside the business. During this time the subject began to strike and pull away from the Zak causing him to engage the subject's right arm. The subject was then told several times to stop fighting with my partner and to lie down on the ground. The subject complied with the demands to lie down on the ground and my partner was then given the commands to return to his handler. Once the commands were given, Zak disengaged. The subject was then taken into custody and identified as B/M Louis Earl Miles Jr., 07-15-1963 (44), of 4567 Lonesome Pine Drive. Medic Unit 91 responded to treat the suspect's injuries, puncture wounds to both arms. He was then transported by patrol to Jackson Hospital for further treatment. Unit #140 (Lt. Johnson) and Property Detectives responded to the scene.

  
Cpl. W.B. Dickey #1521

PLAINTIFF  
EXHIBIT  
1.

## ALABAMA UNIFORM ARREST REPORT

Fingerprinted	RB4 Completed
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORIS# 0 0 3 0 1 0 0		2 AGENCY NAME Montgomery Police Department		3 CASE #		4 SFX	
5 LAST, FIRST, MIDDLE NAME Miles, Lewis, Earl				6 ALIAS AND			
7 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	8 RACE <input checked="" type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> O <input type="checkbox"/> I	9 HGT. 6'00"	10 WGT. 200	11 EYE bro	12 HAIR blk	13 SKIN med	14 <input checked="" type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS <input type="checkbox"/> AMPUTATIONS
15 PLACE OF BIRTH (CITY, COUNTY, STATE) Montgomery, Al				16 SSN 4 1 9 - 9 8 - 5 4 2 5	17 DATE OF BIRTH 0 7 1 5 6 3	18 AGE 44	19 MISCELLANEOUS ID #
20 MO #	21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCOV SUB-SECONDARY FINAL			22 DL #	23 ST		
24 FBI #	HENRY CLASS NCIC CLASS			25 IDENTIFICATION COMMENTS			
26 <input checked="" type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT	27 HOME ADDRESS (STREET, CITY, STATE, ZIP) 4567 Lonesome Pine Drive Mont Al 36116			28 RESIDENCE PHONE (334) 288-6388	29 OCCUPATION (BE SPECIFIC) Self-Employed		
30 EMPLOYER (NAME OF COMPANY/SCHOOL)			31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)		32 BUSINESS PHONE ( )		
33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) 3996 Birmingham Hwy Montgomery, Al. 36108				34 SECTOR # 1 2	35 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> IN STATE <input type="checkbox"/> OUT STATE AGENCY		
36 CONDITION OF <input type="checkbox"/> DRUNK <input checked="" type="checkbox"/> SOBER <input type="checkbox"/> ARRESTEE <input type="checkbox"/> DRUGS		37 RESIST ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	38 INJURY? <input type="checkbox"/> OFFICER <input type="checkbox"/> ARRESTEE	39 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	40 DESCRIPTION OF WEAPON <input type="checkbox"/> HANDGUN <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> RIFLE <input type="checkbox"/> OTHER WEAPON <input type="checkbox"/> SHOTGUN		
41 DATE OF ARREST 0 9 1 0 0 7		42 TIME OF ARREST 10 51	43 DAY OF ARREST 1 2 3 4 5 6 7 8 9 10 11 12	44 TYPE ARREST <input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> WARRANT	45 REQUESTED BEFORE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		
46 CHARGE-1 <input checked="" type="checkbox"/> FEL <input type="checkbox"/> MISD Burglary 3rd Degree		47 CHARGE-2 <input checked="" type="checkbox"/> FEL <input type="checkbox"/> MISD Theft of Property 1st Degree		48 CHARGE-3 <input type="checkbox"/> FEL <input type="checkbox"/> MISD		49 LIC# CODE	
50 STATE CODE/LOCAL ORDINANCE		51 WARRANT # 2007F-01728	52 DATE ISSUED	53 STATE CODE/LOCAL ORDINANCE		54 WARRANT # 2007F-01727	
55 CHARGE-4 <input type="checkbox"/> FEL <input type="checkbox"/> MISD		56 CHARGE-5 <input type="checkbox"/> FEL <input type="checkbox"/> MISD		57 CHARGE-6 <input type="checkbox"/> FEL <input type="checkbox"/> MISD		58 LIC# CODE	
59 STATE CODE/LOCAL ORDINANCE		60 WARRANT #	61 DATE ISSUED	62 STATE CODE/LOCAL ORDINANCE		63 WARRANT #	
64 CHARGE-7 <input type="checkbox"/> FEL <input type="checkbox"/> MISD		65 CHARGE-8 <input type="checkbox"/> FEL <input type="checkbox"/> MISD		66 CHARGE-9 <input type="checkbox"/> FEL <input type="checkbox"/> MISD		67 LIC# CODE	
68 STATE CODE/LOCAL ORDINANCE		69 WARRANT #	70 DATE ISSUED	71 STATE CODE/LOCAL ORDINANCE		72 WARRANT #	
73 VTR		74 VMA	75 VMO	76 VST	77 VCO TOP	78 TAG #	
79 VIN		80 IMPOUNDED? <input type="checkbox"/> YES <input type="checkbox"/> NO		81 STORAGE LOCATION / IMPOUND #		77 LTV	
82 OTHER EVIDENCE SEIZED/PROPERTY SEIZED <input type="checkbox"/> CONTINUED IN NARRATIVE							
83 JUVENILE <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT DISPOSITION: <input type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY				84 RELEASED TO			
85 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)				86 ADDRESS (STREET, CITY, STATE, ZIP)		87 PHONE ( )	
88 PARENTS EMPLOYER				89 OCCUPATION		89 ADDRESS (STREET, CITY, STATE, ZIP)	
90 PARENTS EMPLOYER				91 OCCUPATION		90 PHONE ( )	
92 DATE AND TIME OF RELEASE 1 2 3 4 5 6 7 8 9 10 11 12		93 RELEASING OFFICER NAME Det. M. McCord		94 AGENCY/DIVISION MPD / Detective		95 ID # 259	
96 RELEASED TO: CITY JAIL		97 AGENCY/DIVISION		98 AGENCY ADDRESS		99 PHONE ( )	
100 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PARTIAL		101 PROPERTY NOT RELEASED/HOLD AT:		102 PROPERTY #		103 PHONE ( )	
104 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE) *****MINOR LACERATIONS TO BOTH ARMS PRIOR TO ARREST***** TREATED FOR HIS INJURIES AT JACKSON HOSPITAL COUNTY							
105 SIGNATURE OF RECEIVING OFFICER		106 SIGNATURE OF RELEASING OFFICER CHP #259		107 LOCAL USE U U K		108 STATE USE U U K	
109 MULTIPLE CASES CLOSED		110 CASE #	111 SFX	112 CASE #	113 SFX	114 CASE #	
115 ARRESTING OFFICER (LAST, FIRST, M.) Det. McCord, M.9		116 ID # 259	117 ARRESTING OFFICER (LAST, FIRST, M.)		118 ID #	119 SUPERVISOR	
120 WATCH COMMAND		121 ID #		122 WATCH COMMAND		123 ID #	

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV. 10-90

PLAINTIFF  
EXHIBIT

16



VOLUNTARY STATEMENT FORM

MONTGOMERY POLICE DEPARTMENT

DIV: Detective

BUREAU: Property

DATE: 9/10/07

NAME: Louis Earl Miles

AGE: 44 SEX/RACE: M/B

ADDRESS: 4567 Lonesome Pine Drive

PHONE: 288-6388

CONCERNING: Burglary 3<sup>rd</sup> Degree

LOCATION OF INTERVIEW PAB: YES NO (SPECIFY): Detective Division

STATEMENT TAKEN BY: Detective M. McCord, #259

Beginning time 1042 Hours.

1 Q: Sir, state your name?

A: Louis Miles.

2 Q: Mr. Miles, what's your date of birth?

A: [REDACTED]

3 Q: Alright, what's your social security number?

A: [REDACTED]

4 Q: Before asking you any questions, did I read you your rights prior to questions?

A: Yes, you did.

5 Q: Alright, I'm a read them again for the record, okay. Alright. Before asking you any questions I must explain to you that you can remain silent that anything you say can be used against you in court, that you can talk to a lawyer first and that you have the right to the advise and presence of a lawyer even though you cannot afford to hire. If you cannot afford to hire a lawyer and want to have one present before we question you. You understand your Rights?

5 A: Yes.

6 Q: Alright, you can answer questions and stop at anytime, you understand that?

A: Yes.

7 Q: Okay, is that your signature at the bottom?

A: Yes.

8 Q: On today's date, September the 10<sup>th</sup>, 2007 at approximately 1:20 in the morning. Tell me what took place at 3996 Birmingham Highway, that's gonna be the location and of Main Line Supply, Plumbing Supply Company. Alright, what took place.

ry/D5657

Page 1 of 3

PLAINTIFF  
EXHIBIT

12

Case 2:07-cv-00950-MHT-TFM Document 9-2 Filed 11/09/2007 Page 3 of 6

- 8 A: I was at the place of business had the truck full on the back. I was loading up...
- 9 Q: Okay, tell me what happen prior to...  
A: ...INAUDIBLE.
- 10 Q: Tell me what happened prior to that. How did you end up at that location?  
A: I took a friend home. I took a friend home for a friend and ended up out there at Birmingham Highway. So I was riding back and I seen the place and I noticed it have a lot of plumbing stuff so I pulled around back and went to load, went, broke in the door and went in there.
- 11 Q: Okay, how did you get in?  
A: With a prier bar.
- 12 Q: A prier bar?  
A: Yes.
- 13 Q: Alright, how did you, does it have a fence around it?  
A: Yes it does.
- 14 Q: Okay, how did you get through the fence?  
A: I cut the lock on the gate.
- 15 Q: You cut the lock on the gate?  
A: Yes.
- 16 Q: Okay, and then you pulled your vehicle around to the back?  
A: Yes, I did.
- 17 Q: Alright and what happened after that?  
A: I went, I start loading up all the brass.
- 18 Q: Uh-huh.  
A: An as I was loading up, the dog man came and told me to get on the ground, get on the ground and he siced the dog on me.
- 19 Q: Okay, K, K-9 officer?  
A: K-9, yes.
- 20 Q: Okay, with the Montgomery Police Department?  
A: No it's not, all I know it was K-9.
- 21 Q: Is it...  
A: ...It was K-9.
- 22 Q: A police officer  
A: Well he a police, that officer yeah.
- 23 Q: Okay.  
A: He had a K-9 dog siced on me and the dog ate me up.

Case 2:07-cv-00950-MHT-TFM Document 9-2 Filed 11/09/2007 Page 4 of 6

24 Q: Okay, but you admitted to breaking in and burglarizing the business?

A: Yeah, I did, I did.

25 Q: Okay, what kind of, what all did you take from the business?

A: I actually didn't take nothing from the business.

26 Q: Okay.

A: Didn't get away with nothing.

27 Q: You didn't get away with nothing. What all did you, were you able to?

A: Brass fitting.

28 Q: And what else, any type of equipment?

A: It was a lot of **INAUDIBLE** demolition stuff that was it.

29 Q: Alright, did you manage to load any of that stuff in your vehicle?

A: ~~Yes~~ I did.

30 Q: You was attacked by the police dog?

A: Yes, I was.

31 Q: Okay.

A: The police put the dog on me.

32 Q: Okay.

A: I wasn't attacked by the dog, he actually commanded the dog to me.

33 Q: Okay.

A: To get me as I on the ground just for something to do. I'm already admitting to his command, yeah, I was on the ground.

34 Q: Alright.

A: This dog here was held and let go after I got on the ground just for the hell of it.

35 Q: Were you treated for your injuries?

A: Yes I was.

36 Q: Alright, where were you treated at?

A: Jackson Hospital, still don't have my prescription yet.

37 Q: Any of, you have anything else to add to the statement?

A: I just need some medical treatment that's all.

Ending time 1045 Hours.

021024

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

<b>INCIDENT/OFFENSE REPORT CONTINUED</b>		35 DATE AND TIME OF REPORT 09/10/07 02:26		36 AM 37 PM 38 MIL	39 CASE #	40 SFX	41 OFFENDER 42 SUSPECT 43 MISSING PERSON	44 CHECK IF MULTIPLE
45 NAME (LAST, FIRST, MIDDLE) Miles, Lewis Earl		100 NICKNAME/ALIAS		101 RACE 102 SEX 103 DOB 104 AGE		105 ADDRESS (STREET, CITY, STATE, ZIP) 4567 Lonesome Pine Dr Markle 31108		
106 PROBABLE DESTINATION		107 ARMED? 108 Y 109 N 110 UNK		109 HAIR 110 COMPLEXION		111 WEAPON		
112 CLOTHING Black button-up shirt/blue jeans		113 SCARS 114 MARKS 115 TATOOS		116 ARRESTED 117 WANTED				
118 NAME (LAST, FIRST, MIDDLE)		119 NICKNAME/ALIAS		120 RACE 121 SEX 122 DOB 123 AGE		124 ADDRESS (STREET, CITY, STATE, ZIP)		
125 PROBABLE DESTINATION		126 ARMED? 127 Y 128 N 129 UNK		128 HAIR 129 COMPLEXION		130 WEAPON		
131 CLOTHING		132 SCARS 133 MARKS 134 TATOOS		135 ARRESTED 136 WANTED				
137 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB		138 ADDRESS (STREET, CITY, STATE, ZIP)		139 RES. PHONE 140 BUS. PHONE				
141 Gpl JD Ezen USG		142 Gpl WB Dickey		143 MPD		144 MPD		
145 WITNESS #1 SSN		146 WITNESS #2 SSN		147 WITNESS #3 SSN		148 WITNESS #4 SSN		
<p>149 NARRATIVE</p> <p>The listed offender was found exiting the back door of the listed business with two boxes of brass fittings in his hands. Unit 149 (Gpl Dickey) was present at the back of the business due to an alarm at the business. The subject refused to comply with orders to surrender and was taken into custody by K-9 Zac receiving minor lacerations to both arms. Unit 150 handcuffed the subject and Medics were called. The subject's vehicle was filled with several boxes of fittings and a STIHL saw. The vehicle was impounded. The</p>								
<p>151 SIGNATURE</p> <p>152 LOCAL TIME</p> <p>153 STATE USE</p>								
154 MULTIPLE CASES CLOSED		155 CASE #		156 SFX		157 CASE #		158 SFX
159 CASE STATUS 160 PENDING 161 INACTIVE 162 CLOSED		163 CASE DISPOSITION 164 CLEARED BY 165 ARREST (JUV.) 166 CLEARED BY 167 ARREST (ADULT) 168 UNFOUNDED 169 ADM. CLEARED		170 EXCEPTIONAL CLEARANCE 171 SUSPECT/OFFENDER DEAD 172 OTHER PROSECUTION 173 EXTRADITION DENIED 174 LACK OF PROSECUTION 175 JUVENILE, NO REFERRAL 176 DEATH OF VICTIM		177 REPORTING OFFICER 178 ASSISTING OFFICER		179 ID #
180 ENTERED A/C/M/C/D 181 DATE		182 SUPERVISOR APPROVAL 183 ID #		184 WATCH CMDR. 185 ID #		186 ADDITIONAL CASES CLOSED 187 NARRATIVE 188 Y N		

PLAINTIFF  
EXHIBIT  
4.



☐ NON-EMERGENCY ☐ O.C.L.

Upon arrival, found pt in PD custody. Pt. had several small lacerations and punctures on left arm from K-9 unit. Took vitals which were stable. Wound wounds & controlled bleeding. ~~Trans~~<sup>pt</sup> Left pt in PD custody to be transferred to hospital. Pt. will need stitches.

**COPY**

THIS IS TO CERTIFY THAT I AM REFUSING TREATMENT / TRANSPORT AND HAVE BEEN INFORMED OF THE RISKS OF DOING SO.

PLAINTIFF  
EXHIBIT  
5.

DEFENDANT'S  
EXHIBIT  
2

## DISCHARGE INSTRUCTIONS

Patient Name: Miles, Louis

Visit Date: 09/10/2007 02:49

You were treated today by :

**STEVE AVEZZANO MD**

### ADDITIONAL FOLLOWUP INSTRUCTIONS

Arrange for a follow up appointment with patient's own Primary Care Provider in 3-5 days or immediately if your symptoms get worse.

Other follow up instructions: Sutures out in 10 days..

### DISCHARGE INSTRUCTIONS

#### ANIMAL BITES

Your exam shows you have been bitten by an animal. These wounds can become infected, even when they seem minor at first. This is especially true for bite wounds of the hand. Cat bites are especially prone to infection. Please rest and elevate your injured part above the level of your heart until the swelling and pain are better. If you have been prescribed an antibiotic, be sure to take all your medicine. Bulky dressings or splints applied to protect your wound should do not remove it until your doctor approves. You may need a tetanus shot if you have not had a booster within the past 5 years. Call your doctor or go to the emergency room right away if you think your wound is infected. Signs of infection include:

- \*Increased redness, swelling, or pain.
- \*Pus drainage from the wound or red streaks going up the arm or leg.
- \*Difficulty moving the joints near the bite wound. Certain animals can carry rabies: dogs, cats, monkeys, bats, skunks, coyotes, foxes, wolves, and raccoons. Rodents, including squirrels, do not carry rabies. Animals that are ill from rabies will act strangely and often attack for no reason. You may need shots to protect you from rabies. If the animal that bit you has not had rabies shots, and it cannot be quarantined for 10 days, then rabies prevention shots may be required to protect you from this potentially fatal disease. Contact your local animal control department to report your injury.

#### SUTURED WOUND CARE

Your cut has been cleaned and closed with sutures, also called stitches. You should keep the area around your wound clean and dry until the stitches are removed. Rest and elevate the injured area until all the pain and swelling are gone. If a dressing has been applied, it should be removed in 2 days. See your doctor or return here for stitch removal in 10 days. Call your doctor or the emergency department right away if you think your wound is infected. These include:

- \*Unusual redness or swelling around the wound.
- \*Increasing pain and tenderness.
- \*Pus drainage.
- \*Red streaks going up the arm or leg. After your cut has begun to heal, you may leave it open to the air. You can clean the stitch line 1-2 times a day with soap and water. However, be careful not to soak the area in water for long periods. Please wear a dressing to protect your injury while you are at work. Use a sunscreen on your wound for the next 3-6 months to reduce pigment forming in the scar. You may need a tetanus booster if you have not had one within 5 years.

*PLAINTIFF  
EXHIBIT*

6.

Jackson Hospital  
1725 Pine St  
Montgomery, AL 36106  
334-293-8000

### DISCHARGE INSTRUCTIONS

Patient Name: Miles, Louis

Visit Date: 09/10/2007 02:49

#### CUSTOM INSTRUCTIONS

There are multiple lacerations with a total estimated length of 8 involving the following areas: left upper arm and biceps, volar aspect of left forearm, right wrist and volar aspect of left wrist Sutures to this wound should be removed in 10 days.

---

Booking Records Maintenance

ORI#: AL0030100 MPD

Booking #: 2007-00007088

Change

Inmate . . . . : MILES, LOUIS, EARL, JR  
Jacket # . . . . : 13858 A Black Male DOB : 07/15/1963  
Social Sec.# . . : 419-98-5425 Drv Lic#: F006989 State: AL

Book Date/Time : 9102007 70839 Shift . . . . : 1 + 1st Shift  
Prisoner Type : CTYP + City Pris Inmate Number : \_\_\_\_\_  
Incarceration : A + Arrest, Mis Custody Class : 1 + CustStand

Booking ID #1 : 1500 + MARSHA Booking ID #2 : \_\_\_\_\_ +  
Finger Print By: \_\_\_\_\_ + Deloused By . : \_\_\_\_\_ +  
Searched By #1 : 1165 + BESTED Searched By #2 : \_\_\_\_\_ +  
Strip Search #1: 1165 + BESTED Strip Search #2: \_\_\_\_\_ +  
Reviewed By ID : \_\_\_\_\_ + Mug Shot By ID : \_\_\_\_\_ +  
Photo Number . : \_\_\_\_\_ + Taken By ID . : \_\_\_\_\_ +  
Phone Calls? . : Y (Y=Yes, N=No) Housed For ORI : \_\_\_\_\_ +

F8=Chg/Hlds F9=Inm. Act. F10=Jacket F14=Ques F15=Notify F16=Class  
F18=Housing F19=Warrant F21=Poss. F22=Addl F23=Suicide Wtch F24=Doc  
F3=Exit F4=Prompt F6=Print F12=Cancel

PLAINTIFF  
EXHIBIT  
7.



CITY OF MONTGOMERY  
STATE OF ALABAMA

Booking Date & Time: 09/10/2007

BOOKING NUMBER: 000070882007

NAME: MILES, LOUIS, EARL, JR

RACE: Black SEX: Male DOB: [REDACTED]

SSN: [REDACTED]

ADDRESS: 4567 LONESOME PINE DR

1	COMM. DRIVING WHILE SUSP, R	N0882901
2	COMM. DRIVING WHILE SUSP, R	N0886918
3	COMM. OTHER TRAFFIC VIOLATI	N0886919
4	COMM. IMPROPER TAG	N0882902
5	COMM. IMPROPER TAG	N0886917

*Booked in @ 7:08 AM*  
*Rel*

*PLAINTIFF*  
*EXHIBIT*  
*8.*

334-293-8000  
Montgomery, AL 36106

1725 Pine St  
334-293-8000  
Montgomery, AL 36106

ED CARE  
STEVE AVEZZANO MD  
DEA No: BA4054211  
License No: AL18250

Patient Name: MILES, LOUIS  
Patient Address: 621 COLUMBUS STREET  
MONTGOMERY, AL 36104

Date: 09/10/2007

Augmentin 875 mg PO BID

Qty: 14

Refill (NR) 1 2 3 4 5 Void After \_\_\_\_\_

1 - 24
25 - 49
50 - 74
75 - 100
101 - 150
151 and over

Dispense as Written

May Substitute

Prescription is void if more than one (1) prescription is written per blank.

ED CARE  
STEVE AVEZZANO MD  
DEA No: BA4054211  
License No: AL18250

Patient Name: MILES, LOUIS  
Patient Address: 621 COLUMBUS STREET  
MONTGOMERY, AL 36104

Date: 09/10/2007

Lortab 5 mg 1 or 2 tablet PO [Q 4-6H prn pain]

Qty: 20

Refill (NR) 1 2 3 4 5 Void After \_\_\_\_\_

1 - 24
25 - 49
50 - 74
75 - 100
101 - 150
151 and over

Dispense as Written

May Substitute

Prescription is void if more than one (1) prescription is written per blank.

VOID

VOID

Plaintiff  
Exhibit  
12

**City of Montgomery, Alabama  
Department of Police**

B/M Lewis Earl Miles DOB: 7/15/1963

NAME

MPD

PLACE

9/10/07

DATE

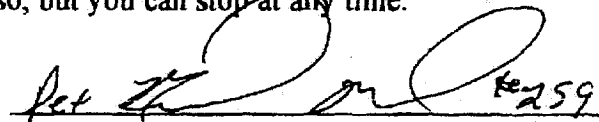
1035 hours

TIME

Burglary 3rd Degree

CHARGE

Before asking you any questions, I must explain to you that you can remain silent. that anything you say can be used against you in court. that you can talk to a lawyer first and that you have the right to the advice and presence of a lawyer even though you cannot afford to hire one. If you cannot afford to hire a lawyer and want to have one present during interrogation, the Court will appoint one before we question you. If you want to answer questions now. You can do so, but you can stop at any time.

 #259  
OFFICER

I fully understand the foregoing statement and do willingly agree to answer questions. I understand and know what I am doing. No promise or threats have been made to me by anyone and no pressure of any kind has been made against me by anyone.

Louis Miles

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

PLAINTIFF  
EXHIBIT

10.

## Release Inmate Maintenance

BK0200S1

Facility : Block :  
Cell : Bed :

Booking #: AL0030100 2007-00007088

Inmate : MILES, LOUIS, EARL, JR

Jacket : 13858 A Black Male D.O.B.: 07/15/1963

Soc. Sec#: 419-98-5425 Drv Lic#: F006989 AL

Charge : AL0030100 COMM. DRIVING WHILE SUSP, REV, CANC #: 000

Release Date : 9/11/2007 Time : 20:43:42

Released By : 361 + WELCH Inmate Status : +

Reason : RBYC + Rel By Ct To ORI # : +

To Whom/Facil: +

Ovr Password : Ovr Reason : TRF +

Print Invoice: Y (Y/N)

F8=Charges F9=Inmate Activity F10=Jacket Info F13=Delete Release

F14=Questions F15=Fund Ledger F20=Override F21=Poss. F24=Docs

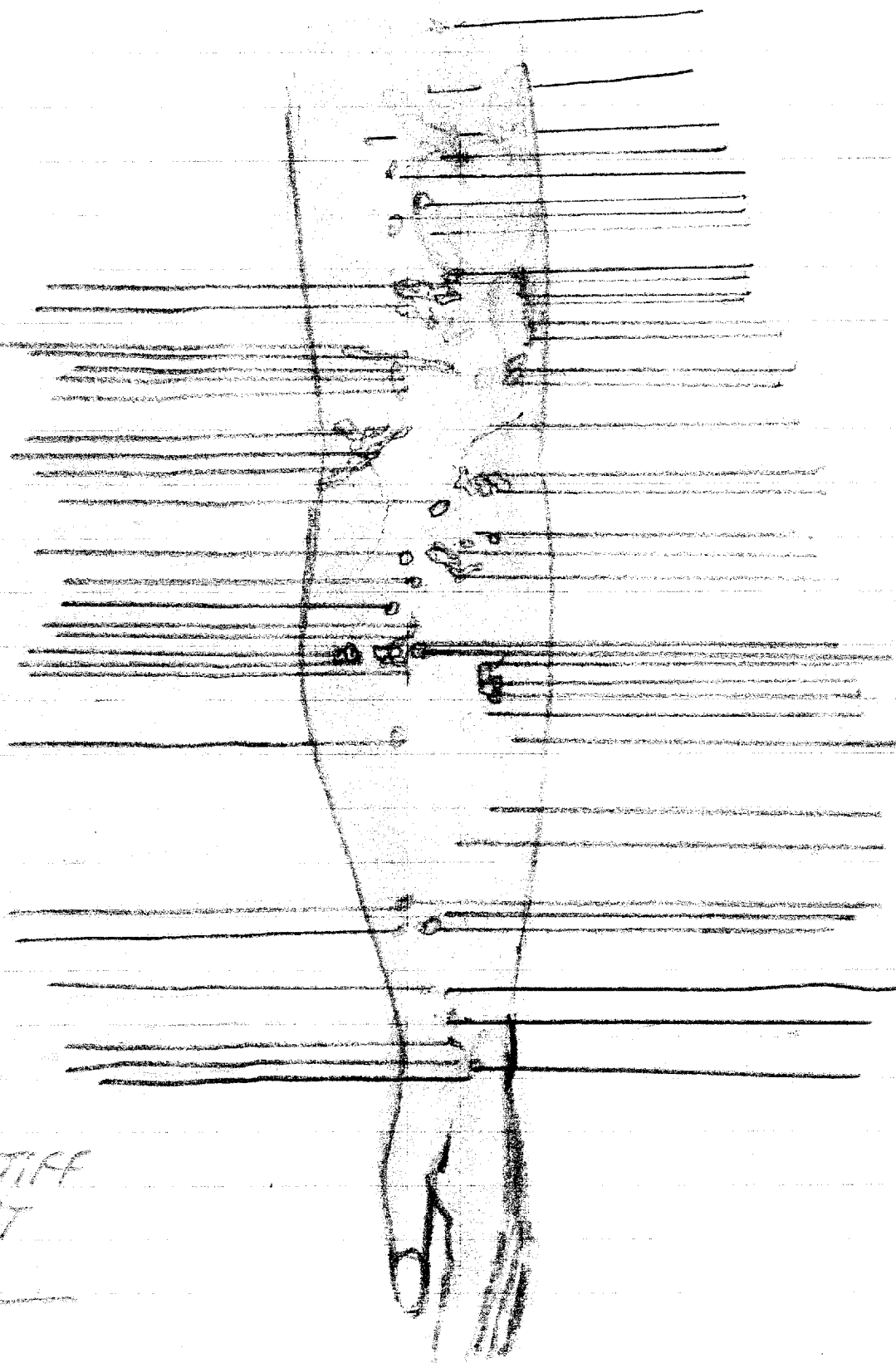
F3=Exit F4=Prompt F12=Cancel

PLAINTIFF  
EXHIBIT



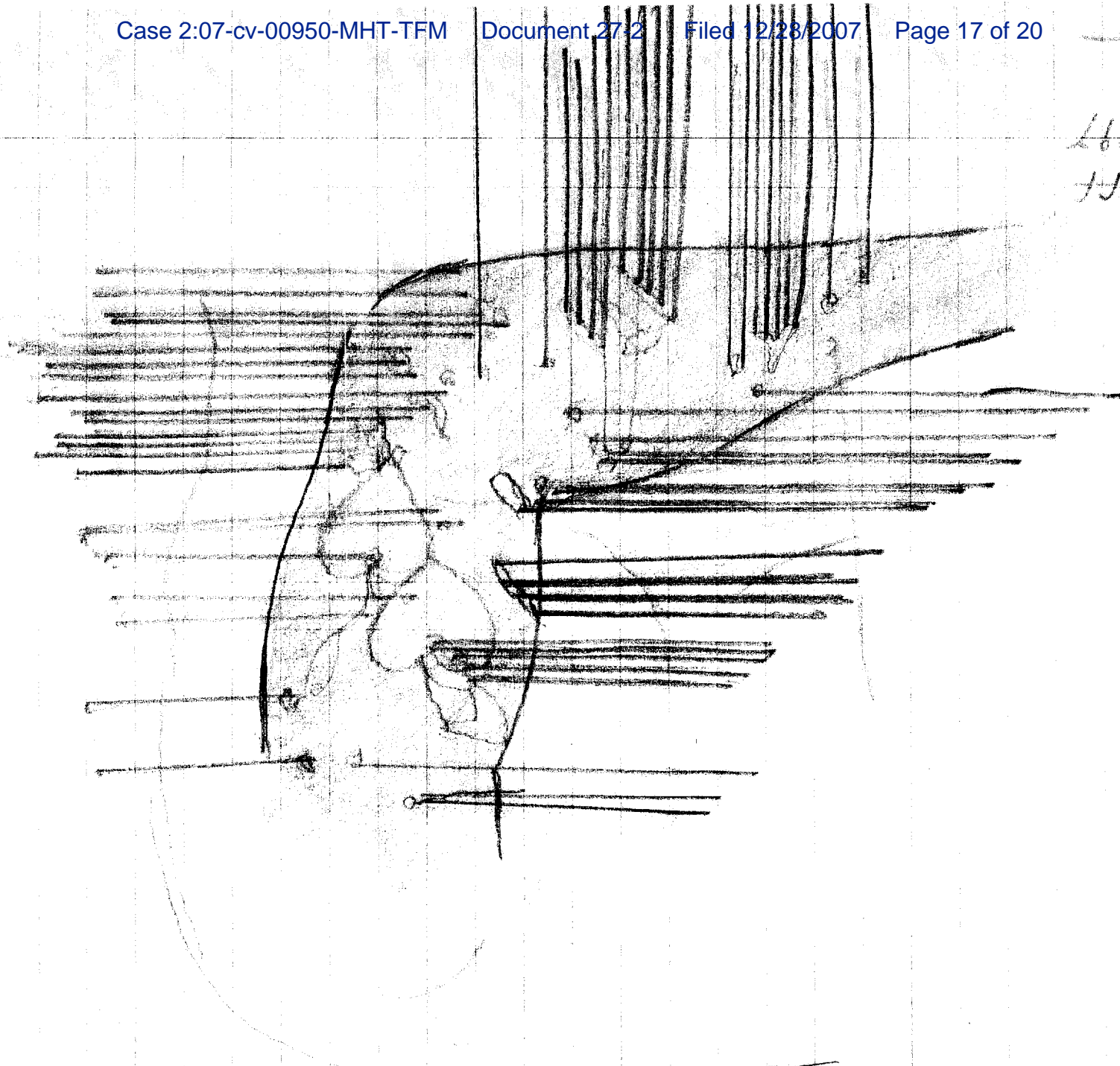


STRAIGHT FRONT VIEW OF LEFT ARM



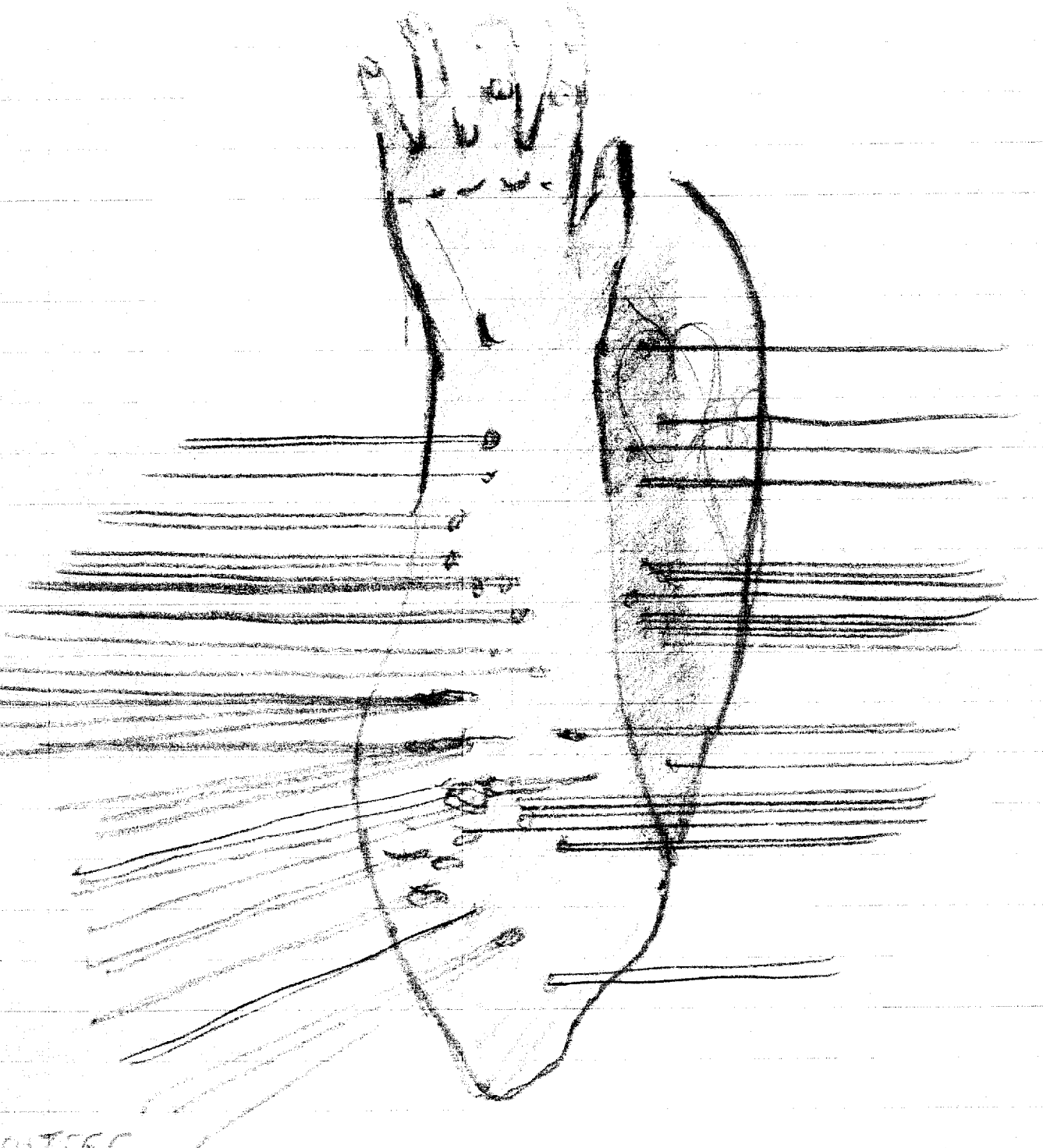
PLAINTIFF  
EXHIBIT  
(13.)

PLAINTIFF  
EXHIBIT  
(44)



Side View of Left Arm

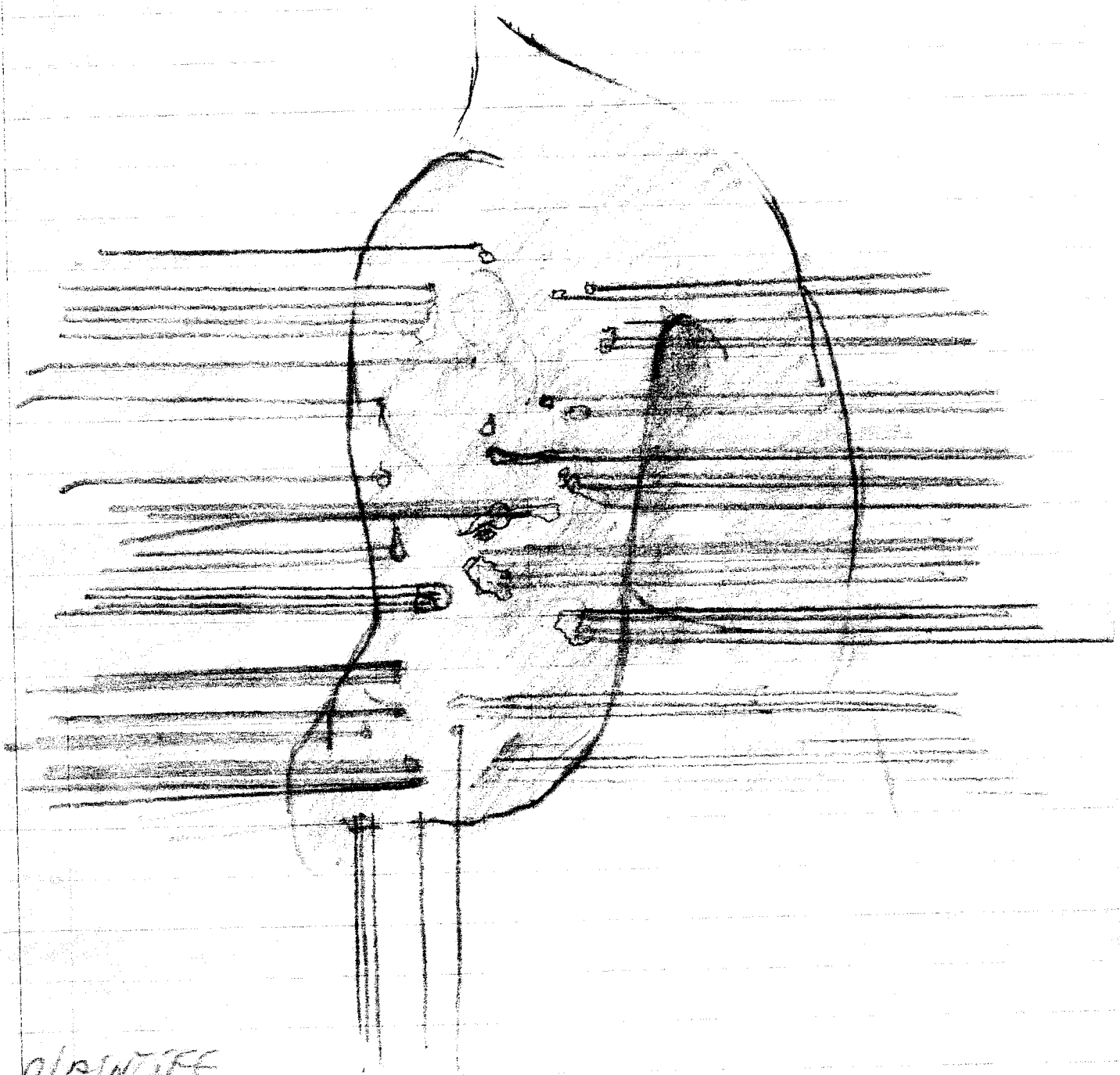
LEFT BACK ARM



PLAINTIFF  
EXHIBIT  
US)



LEFT BACK Bicep



PLAINTIFF  
EXHIBIT  
(16)



